

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO**

**LISA WATKINS**

**Plaintiff,**

**v.**

**BLM COMPANIES, LLC**

**Defendant.**

:  
: **2:22-cv-00390 -EPD**  
:  
: **Magistrate Judge Elizabeth Preston**  
: **Deavers**  
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**PLAINTIFF LISA WATKINS’S MOTION INSTANTER TO FILE HER RESPONSE IN  
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT OUT OF  
TIME**

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Plaintiff Lisa Watkins (“Watkins”), by and through undersigned counsel, herein respectfully requests that the Court grant her leave to file her Response in Opposition to Defendant BLM Companies, LLC’s (“BLM”) Motion for Summary Judgment (ECF No. 11), which is attached hereto as Exhibit A, out of time, for the reasons set forth more fully below.

BLM filed its Motion for Summary Judgment (ECF No. 11) on July 22, 2022. Undersigned counsel has been having intermittent issues with having notices from the Southern District of Ohio going straight to the “Trash” folder in his email, which he discovered in another matter in late September 2022. Because of that issue, he did not learn that BLM had filed its Motion for Summary Judgment until BLM filed its Motion to Deem its Motion for Summary Judgment as Unopposed (ECF No. 12), on October 10, 2022. It is respectfully submitted that because undersigned counsel did not ignore the Motion for Summary Judgment or its response deadline, but simply did not know of its existence, Plaintiff should be permitted to file her Response out of time. It is further respectfully submitted that granting this Motion will not prejudice Defendant in

any way and not allowing a Response will severely prejudice Plaintiff and punish her for an unfortunate situation that is no one's fault, but certainly not hers. Allowing the untimely Response will simply give the Court the opportunity to know both sides' positions prior to ruling on the Motion for Summary Judgment.

WHEREFORE, Plaintiff Lisa Watkins respectfully requests that the Court grant her leave to file the attached Response out of time.

DEWITT LAW, LLC

/s/ Michael W. DeWitt

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed electronically on November 7, 2022. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Michael W. DeWitt  
Michael W. DeWitt (0066896)